

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Deepak Thassu et al.  
Appln. No. : 10/540,453  
Filing Date : June 22, 2005  
For : ACID LABILE DRUG COMPOSITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. §1.181

In response to the Notice of Abandonment mailed September 14, 2006, Applicants request reinstatement of the application for no fee.

The Notice of Abandonment states that no response to the Notice of Missing Parts mailed December 20, 2005 was received in the Patent and Trademark Office within the two-month response period. Upon reviewing the file, it is apparent that the United States Patent and Trademark Office received the Response to the Notice of Missing Parts, but has misplaced the documents. The postcard that was sent with the Response was stamped and returned to the Applicants and a copy of the postcard is attached hereto. Accordingly, pursuant to 37 C.F.R. §1.8(b), Applicants are hereby: (1) informing the Office of the previous mailing promptly after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supplying an additional copy of the previously mailed correspondence, and (3) including a Statement that attests on a personal knowledge basis to the previously timely mailing. It will be noted that the Response included a Certificate of Mailing as required by 37 C.F.R. §1.8, which clearly shows that the Response was filed on February 16, 2006, which was within the time set for response in the latest Office Action.

Having complied with the provisions of 37 C.F.R. §1.8, Applicants hereby request that the attached Response be entered and considered by the Patent Office as though it were received on February 16, 2006, as would be the case if it were not misplaced by the Patent Office. If there are any questions concerning this matter, Applicants ask the Examiner to call the undersigned at the number listed below.

Applicant : Deepak Thassu et al.  
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Accordingly, Applicants requests reinstatement of the application for no fee.

Respectfully submitted,

October 19, 2006

Date

MPD/msj

/Marcus P. Dolce/

Marcus P. Dolce, Registration No. 46 073  
Price, Heneveld, Cooper, DeWitt & Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
(616) 949-9610

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
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STATEMENT UNDER 37 C.F.R. §1.8(b)(3)

This statement is made to attest to my personal knowledge of having deposited the originals of the enclosed Response and postcard in first class mail on February 16, 2006, for the above-captioned application. I am the individual who signed the Certificate of Mailing on the Response and specifically recall depositing this Response and postcard in first class mail addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 16, 2006.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of any patent resulting therefrom.

October 19, 2006  
Date

Melanie S. Jernberg  
Melanie S. Jernberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING

I hereby certify that the attached check in the amount of \$130 (late oath/declaration fee), copy of Notification of Missing Requirements and Declaration (2 pages) are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

on February 16, 2006.



Melanie S. Jernberg  
Price, Heneveld, Cooper,  
DeWitt and Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
(616) 949-9610

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor, if only one name is listed below, or an original, first and joint inventor, if plural names are listed below, of the subject matter which is claimed and for which a patent is sought on the invention entitled ACID LABILE DRUG COMPOSITIONS, the specification of which was filed on December 9, 2003 as International Application No. PCT/US2003/038983, and was filed on June 22, 2005 and assigned Application No. 10/540,453.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (the Office), all information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations (C.F.R.), Section 1.56.

## CLAIM OF PRIORITY

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application listed below.

Application Number 60/436,287 filed on December 23, 2002

## POWER OF ATTORNEY

I hereby appoint the practitioners associated with the Customer Number provided below (*i.e.*, the practitioners associated with the law firm of Price, Heneveld, Cooper, DeWitt and Litton, LLP) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please direct all correspondence to the address associated with that Customer Number.

Customer Number 000,277

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Sole or First joint inventor:

Deepak Thassu Jan 23, 2006  
Date

Citizenship: USA

Residence: 171 Countess Drive  
West Henrietta, NY 14586

Post Office Address: Same as above

Second joint inventor:

Paul Hafey 01/23/06  
Date

Citizenship: USA

Residence: 6710 Song Hill Lane  
Victor, NY 14564

Post Office Address: Same as above

Third joint inventor:

Leo J. Magee, Jr. 01/23/06  
Date

Citizenship: USA

Residence: 9341 Fargo Road  
Stafford, NY 14143

Post Office Address: Same as above

Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450

IAPG Rec'd PET/PTO 21 FEB 2006

February 16, 2006

Sir: Kindly acknowledge receipt of the accompanying check in the amount of \$130 (late oath/declaration fee), certificate of mailing, copy of Notification of Missing Requirements and Declaration (2 pages) for Applicant Deepak Thassu et al., for Appln. No. 10/540,453 entitled ACID LABILE DRUG COMPOSITIONS by placing your receiving date stamp hereon and mailing.

CEL01 P-303  
MPD/msj  
2/20/06



PRICE HENVEED, COOPER  
DEWITT & LITTON  
PEN

GRAND RAPIDS MI 49501 7 2006  
PO BOX 2567

PRICE HENVEED, COOPER  
DEWITT & LITTON  
RECEIVED

CashBad Covers National Park, NM



49501